

REMARKS

Claims 1-8, 10-13, 16, 17 and 20-22 are pending in this application, with claims 9, 14-15 and 18-19 having previously been canceled, without prejudice or disclaimer and with claims 1, 16 and 22 being in independent form.

Applicants respectfully request withdrawal of the rejections of record because all them rely entirely or in part on a reference that is not prior art due to the perfection of applicants' priority claim through submission of an English translation of their Japanese priority application.

Flohr et al. (US Patent Publication 2005/0058238 A1), on which all rejections rely, was filed on July 21, 2004. Applicants claimed priority under 35 USC § 119 to application JP 2004-080939 filed on March 19, 2004, and perfect their priority claim by submitting herewith a translation of said Japanese patent application into English. The Office Action, page 4, acknowledged the priority claim and the filing of the certified copy.

Claims 6-8 were objected as being dependent on a rejected base claim but the Office Action states at page 20 that they would be allowable if re-written in independent form.

Claim 22 was rejected under 35 USC § 102 over Flohr et al.

Each of the remaining rejections is under 35 USC § 103 and relied in part on Flohr et al.:

- Claims 1-3 and 11-13, 16, 20 and 21 were rejected over Yavuz et al. (US Patent 6,539,074) in view of Flor et al.; and
- Claims 4, 5, 10 and 17 were rejected over Yavuz et al., Flohr et al., and further in view of a Siemens Medical HartView Application Guide.

Because each of the rejection requires Flohr et al. to be a prior art reference but the perfection of the priority claim hereby removes the prior art status of Flohr et al., applicants respectfully request the withdrawal of the rejections.

In view of the remarks hereinabove, applicant submits that the application is allowable. Accordingly, applicant earnestly solicits the allowance of the application.

The Examiner is respectfully requested to call the undersigned attorney, with any suggestions or request that may advance prosecution.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition. The Patent Office is hereby authorized to charge any required fees in connection with this amendment, and to credit any overpayment, to our Deposit Account No. 03-3125.

Respectfully submitted,



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